

PATENT



Atty. File No. 17,586A USA

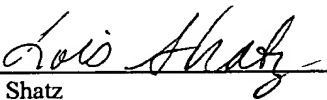
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re/ Application of
Michael M. O'Toole, Bradley S. Levin, Phillip J. Edwards,
Lee L. Xu, Joseph J. Vandenberg and Joseph Markham
Application No. 09/901,293 Group No.: Not Assigned
Filed July 9, 2001 Examiner: Not Assigned
Optoelectric Module for Multi-Fiber Arrays
Attorney Docket No. 17,586A USA

Certificate of Mailing by First Class Mail

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Attn: Latrice Bond, Office of Petitions, Commissioner for Patents, Box DAC, Washington, DC 20231.

Date: September 23, 2002


Lois Shatz

Attn: Latrice Bond
Office of Petitions
Commissioner for Patents
Box DAC
Washington, DC 20231

PETITION UNDER 35 U.S.C. § 116
AND § 118 AND 37 C.F.R. § 1.47(a)

Dear Sir:

Applicant hereby submits a Petition for completing the requirements for filing the above-identified application under 35 U.S.C. § 111 and 37 C.F.R. § 1.63 with Declarations under 35

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OFFICE OF PETITIONS

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U.S.C. § 116 and 37 C.F.R. § 1.47(a) executed by inventors Michael M. O'Toole, Lee L. Xu and Joseph Markham on behalf of themselves. Co-inventors Bradley S. Levin and Joseph L. Vandenberg have refused apparently to execute the Declaration under 35 U.S.C. § 116 and 37 C.F.R. § 1.47(a).

FACTS

Bradley S. Levin and Joseph L. Vandenberg are the co-inventors named in the above-referenced application and are party to Intellectual Property Agreements (the "Agreements") with AMP Incorporated. True and correct copies of the Agreements are attached hereto as Exhibit A. Pursuant to the Agreements, Messrs. Levin and Vandenberg have an obligation to assign to AMP Incorporated, and its successors in interest, any and all patent rights they may have in and to the above-referenced patent application. See Agreements at Paragraph 4. Pursuant to paragraph 4 of the Agreements, several requests have been made of Messrs. Levin and Vandenberg to execute a Declaration under 35 U.S.C. § 116 and 37 C.F.R. § 1.47(a).

On December 5, 2001, we provided to Messrs. Levin and Vandenberg a Declaration under 35 U.S.C. § 116 and 37 C.F.R. § 1.47(a) to their last known addresses via Federal Express. Copies of our transmittal letters to Messrs. Levin and Vandenberg are attache hereto as Exhibit B.

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On February 26, 2002, we called Messrs. Levin and Vandenberg. We were unable to reach Mr. Levin by telephone as the number we had was incorrect. A voice mail messages was left for Mr. Vandenberg. Attached is a copy of our file Memorandum of February 26, 2002 containing this information as Exhibit C.

On February 28, 2002, we sent transmittal letters to Messrs. Levin and Vandenberg with another Declaration under 35 U.S.C. § 116 and 37 C.F.R. § 1.47(a). Attached are copies of said letters as Exhibit D.

On May 9, 2002, we again called Messrs. Levin and Vandenberg. Voice mail messages were left for Mr. Levin. We spoke with Mrs. Vandenberg who said that she would have Mr. Vandenberg return the call. Attached is a copy of our file Memorandum of May 9, 2002 containing this information as Exhibit E. We have received no return phone calls.

PETITION

In view of the foregoing facts, Applicants request that the present Application be regarded as complete under 35 U.S.C. § 115 and 37 C.F.R. §§ 1.63 and 1.64 pursuant to 35 U.S.C. § 116 and § 118 and 37 C.F.R. § 1.47(a). Granting of this Petition is necessary to preserve the parties' rights and to prevent irreparable damage to Applicants, which would occur if the above-identified patent application is not revived.

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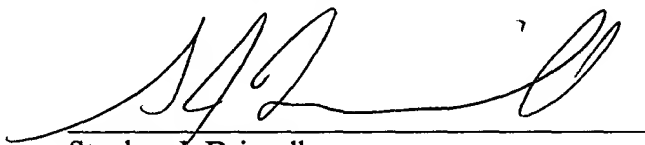
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PRAYER FOR RELIEF

Applicants pray for grant of this petition. This action is necessary to preserve the rights of the parties and to prevent irreparable damage. Early and favorable action on this Petition is earnestly solicited.

Respectfully submitted,

Dated: 9/23/2002

A handwritten signature in black ink, appearing to read 'SJD', is written over a horizontal line.

Stephen J. Driscoll
Attorney for Applicants
Registration No. 37,564

:mdb

Enclosures

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